

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO.	_____
v.	:	DATE FILED:	_____
DONALD WOMACK,	:	VIOLATIONS:	18 U.S.C. § 371
a/k/a "D-Rock"	:		(Conspiracy to interfere
WARNER COVINGTON,	:		with commerce by robbery
a/k/a "LA"	:		- 1 count)
NAIM DAVIS,	:		18 U.S.C. § 1951(a)
DARRELL BURTON	:		(Attempted interference
	:		with commerce by robbery
	:		- 1 count)
	:		18 U.S.C. § 924(c)(1)
	:		(Use of firearm during
	:		crime of violence - 1
	:		count)
	:		18 U.S.C. § 922(g)(1)
	:		(Possession of firearm by
	:		convicted felon - 1 count)
	:		18 U.S.C. § 472
	:		(Possessing counterfeit
	:		United States currency - 1
	:		count)
	:		18 U.S.C. § 2
	:		(Aiding and abetting)
	:		Notice of forfeiture

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From in or around January 2003 to on or about February 6, 2003, at Chester and Woodlyn, in the Eastern District of Pennsylvania and elsewhere, defendants

DONALD WOMACK, a/k/a "D-Rock"
WARNER COVINGTON, a/k/a "LA,"
NAIM DAVIS, and
DARRELL BURTON

conspired and agreed, together and with others known and unknown, to commit an offense against the United States, that is, to unlawfully obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, in that the defendants attempted to take and obtain property, that is, money and cocaine, from a person known to the grand jury as “B,” against B’s will, by means of actual and threatened force, violence and fear of injury, immediate and future, to B’s person and property, in violation of Title 18, United States Code, Section 1951(a).

MANNER AND MEANS

1. It was a part of the conspiracy that defendant DONALD WOMACK was the leader of a crew consisting of defendants WARNER COVINGTON, NAIM DAVIS, and DARRELL BURTON who targeted rival drug dealers for robbery.

It was further a part of the conspiracy that:

2. Defendants DONALD WOMACK, WARNER COVINGTON, NAIM DAVIS, and DARRELL BURTON planned and executed the armed robbery of a drug dealer known as “B” of money and controlled substances by use of force and violence and the use of a dangerous weapon, that is, a handgun.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others were committed in the Eastern District of Pennsylvania:

1. In or around early January 2003, defendant DONALD WOMACK met with a cooperating witness (CW), and told the CW that he wanted the CW’s assistance with home invasion robberies of drug dealers in the Chester, Pennsylvania area and in Delaware.

2. In or around late January, 2003, defendant DONALD WOMACK, learned from the CW about a drug dealer known as “B,” and WOMACK instructed the CW to get information on where “B” lived and when “B” was holding any cocaine or cash so that they could rob him.

3. On or about February 2, 2003, the CW told defendant DONALD WOMACK, that “B” would be holding a quantity of cocaine and cash on Thursday, February 6, 2003. In response, WOMACK told the CW that he would put a team of several people together to rob “B.”

4. On or about February 6, 2003, at approximately 4:30 p.m. defendant DONALD WOMACK, met with the CW at the corner of 11th and Upland Streets in Chester, where WOMACK told the CW that he had assembled a team to rob “B” and instructed the CW to wait for a phone call from one of the members of the robbery team.

5. On or about February 6, 2003, the CW walked approximately one block from the corner of 11th and Upland Streets, where defendants WARNER COVINGTON, NAIM DAVIS, and DARRELL BURTON met him and instructed the CW to get into the car they were in, a rented late model Pontiac sedan.

6. On or about February 6, 2003, defendant NAIM DAVIS then drove defendants WARNER COVINGTON, DARRELL BURTON, and the CW to the vicinity of Constitution Avenue in Woodlyn, Pennsylvania, to the place where the CW had said “B” lived.

7. On about February 6, 2003, at approximately 5:00 p.m., WARNER COVINGTON, NAIM DAVIS, DARRELL BURTON and the CW stopped at the place where the CW had told them that “B” lived.

8. On or about February 6, 2003, defendant WARNER COVINGTON retrieved a handgun, that is, one (1) Bryco Arms model Jennings Nine, 9 mm handgun, with an obliterated serial number, loaded with twelve rounds of ammunition, from between the two front seats, and handed it to the CW.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 6, 2003, in the Eastern District of Pennsylvania, defendants

DONALD WOMACK, a/k/a "D-Rock"
WARNER COVINGTON, a/k/a "LA,"
NAIM DAVIS, and
DARRELL BURTON

attempted to unlawfully obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by robbery, in that the defendants attempted to take and obtain property, that is, money and cocaine, from a person known to the grand jury as "B," against B's will, by means of actual and threatened force, violence and fear of injury, immediate and future, to B's person and property.

In violation of Title 18, United States Code, Sections 1951(a), (b)(1), (b)(3), and

2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 6, 2003, in the Eastern District of Pennsylvania, defendants

WARNER COVINGTON, a/k/a "LA"
NAIM DAVIS, and
DARRELL BURTON

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, one (1) Bryco Arms model Jennings Nine, 9 mm handgun, with an obliterated serial number, loaded with twelve rounds of ammunition, during and in relation to a crime of violence for which each may be prosecuted in a Court of the United States, that is, attempted interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951(a), as charged in Count One of this indictment.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 6, 2003, at Woodlyn, in the Eastern District of Pennsylvania,
defendant

WARNER COVINGTON, a/k/a "LA,"

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, one (1) Bryco Arms model Jennings Nine, 9 mm handgun, with an obliterated serial number, loaded with twelve rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about February 6, 2003, at Woodlyn, Pennsylvania, in the Eastern District of Pennsylvania, defendant

WARNER COVINGTON,
a/k/a "LA,"

knowingly and intentionally, with intent to defraud, kept in his possession falsely made, forged, and counterfeited obligations and securities of the United States, that is, approximately \$4,400 in counterfeit Federal Reserve Notes.

In violation of Title 18, United States Code, Section 472.

NOTICE OF FORFEITURE

As a result of the violations of Title 18, United States Code, Sections 371, 1951(a), 924(c)(1) and 922(g)(1), set forth in Counts, One, Two, Three, and Four of this Indictment, defendants

DONALD WOMACK, a/k/a “D-Rock”
WARNER COVINGTON, a/k/a “LA,”
NAIM DAVIS, and
DARRELL BURTON

shall forfeit to the United States of America, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in the commission of these offenses, including, but not limited to:

one (1) Bryco Arms model Jennings Nine, 9 mm handgun, with an obliterated serial number, loaded with twelve rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney